

## **Appendix Z**

### **Announcement of New Weights to the Courts**

Included items:

1. Memorandum to District Chief Judges Announcing New Case Weights (August 3, 2004) with attachments:
  - Frequently Asked Questions
  - Comparison of 2004 and 1993 District Court Case Weights
  - Comparison of Courts by Weighted Caseload Per Judgeship
2. *Third Branch* Article: “Case Weights Get Update,” August 2004

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Subcommittee Members

Honorable Wiley Y. Daniel, Chair  
Honorable Harry F. Barnes  
Honorable Susan Y. Illston  
Honorable James R. Melinson  
Honorable Ursula M. Ungaro-Benages  
Honorable Karen J. Williams



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SUBCOMMITTEE ON JUDICIAL STATISTICS  
OF THE  
COMMITTEE ON JUDICIAL RESOURCES

August 3, 2004

MEMORANDUM TO ALL CHIEF JUDGES, UNITED STATES DISTRICT COURTS

SUBJECT: New District Court Case Weights (**INFORMATION**)

Since 2003, the Judicial Resources Committee (Committee) and its Subcommittee on Judicial Statistics (Subcommittee) have been working with the Federal Judicial Center (FJC) to update the civil and criminal case weights for the district courts. The case weights had been in place since 1993, and the Subcommittee was growing increasingly concerned that many of the case weights were out of date due to changes in case law and case management practices. The FJC has now completed its analysis, and the Subcommittee and Committee have approved the new civil and criminal case weights proposed by the FJC. The Committee and Subcommittee commend the FJC for its skillful completion of a range of complicated analytical tasks under tight time pressure to produce these weights.

In the past, case weighting studies relied on judges keeping detailed time records. The new case weights were developed using an “event-based” method that combines docketing information from the district courts, objective information from statistical reports, and consensus time estimates from experienced district judges where objective information was not available. In all, more than 100 district judges, representing nearly every Article III district court in the nation, participated in the project. In addition, nearly every district court provided docketing information and the new case weights incorporate data from approximately 300,000 criminal defendants and civil cases closed during calendar year 2002. A set of “Frequently Asked Questions” that provides more detailed explanations of how the weights were developed, how they differ from the previous case weights, and other questions associated with the transition to new case weights, is provided at Attachment 1. You are encouraged to share all of this information with the judges in your court.


The event-based method for developing case weights has several benefits above and beyond the participation of such a substantial number of district judges. The FJC was able to complete its study in just over a year, far less time than in the previous case weighting study. In addition, the event-based method allows the case weights to be updated on a more frequent basis and is much more flexible in developing case weights for new types of civil and criminal filings.

Overall, the new case weights are not substantially different from the old weights for many case types. (See Attachment 2.) There are instances, however, in which these differences are notable. For example, the case weights for complex civil litigation, such as patent cases and

environmental matters, are significantly higher. The weights for many types of criminal cases, on the other hand, are substantially lower. The impact of the Sentencing Guidelines and the expanding role of magistrate judges in handling preliminary criminal matters likely accounts for the lower case weights for criminal filings. As a result of these changes, weighted filings based on the new case weights are likely to be lower in comparison to the old weights for courts with a high proportion of criminal filings. The opposite is true for courts whose dockets consist predominantly of civil cases. On a national basis, however, weighted filings have not changed significantly with the new case weights; more than two-thirds of all district courts experienced a change of 10 percent or less. Attachment 3 provides weighted filings per judgeship totals for each district court based on both the old and new case weights, as well as the national ranking for each court under both sets of case weights.

In addition to adopting the new weights, the Subcommittee used weighted filings per judgeship based on the new case weights as the basis for formulating preliminary judgeship recommendations for the 2005 Biennial Judgeship Survey. The Subcommittee wanted to ensure that its preliminary judgeship recommendations were based on the most up-to-date representation of the case processing requirements of each case type. If your court submitted a request for additional judgeships (or the conversion/extension of a temporary judgeship), you will soon receive information providing the Subcommittee's preliminary recommendation, the basis for that recommendation, and information on the schedule for the remainder of the 2005 survey.

If you have any questions about the new case weights or the attachments, please contact me or Ellyn Vail and Patrick Walker of the Administrative Office at (202) 502-1180.



Wiley Y. Daniel  
Chair, Subcommittee on  
Judicial Statistics

#### Attachments

cc: Judicial Conference of the United States  
Chief Judges, U.S. Courts of Appeals  
Circuit Executives  
Clerks, U.S. Courts of Appeals  
Clerks, U.S. District Courts

# NEW DISTRICT COURT CASE WEIGHTS

## Frequently Asked Questions

From the Subcommittee on Judicial Statistics of the Judicial Resources Committee

**Q. What are case weights?**

- A. Case weights are a relative measure of the judicial work required by cases of different types. They indicate how much more or less time-consuming one type of case is compared to other cases. Case types that *on average* consume a lot of judge time have large weights (e.g., patent cases) and case types that *on average* consume little time have small weights (e.g., student loan cases). Weighted filings predict caseload burden more accurately than raw filings. Two courts could have exactly the same number of raw filings and yet have very different weighted caseloads because of differences in case mix.

**Q. Why did the Judicial Resources Committee commission a new set of case weights?**

- A. The old set was based on data collected from 1987–1993. Members of the Judicial Resources Committee and other judges believed the old weights no longer represented the case processing demands of many types of cases due to changes in case law and case management procedures. The committee asked the Federal Judicial Center to conduct a study to update the weights so they reflect the current judicial workload imposed by cases.

**Q. How were the new weights developed?**

- A. The Federal Judicial Center used event-based methods to derive the weights. The approach combined docketing data from courts' case management databases, consensus judgments about time expenditure gathered from experienced district court judges, and objective time information from statistical reports that district courts submit to the AO on a routine basis.

**Q. Are the weights derived from an accepted case-weighting method?**

- A. Event-based methods, while new to the federal courts, have been used to develop several state court case-weighting systems. By drawing on, and combining, judicial experience and docketing data, the consensus methodology provides a rigorous research protocol that has the virtue of being easily updated based on electronic data input.

**Q. To what extent did district judges have input into the new weighting system?**

- A. Judges were actively involved in structuring the system. A judge advisory group worked with FJC staff in the planning stage to define case types and events. More than 100 district judges from 89 courts then convened in circuit-based meetings to determine the time required to handle events in different cases. Their work resulted in regional estimates of time expenditure as well as feedback on the structure of the case-weighting model. Two district judges from each of the circuit meetings later worked with staff to evaluate the feedback, and staff refined the case-weighting structure based on their recommendations. The judges who participated in this feedback evaluation then attended a national meeting in which they analyzed circuit estimates and agreed on final time expenditure estimates to represent the national average. These final, consensus-based estimates provided by experienced district judges were a significant factor in the new case-weight calculations.

**Q. To what extent did courts have input into the new weighting system (beyond contributing judge expertise)?**

- A. The Federal Judicial Center needed docketing data from a large sample of terminated cases to compute the case weights. Eighty-seven of the 91 Article III district courts were able to extract data from their case management databases and send it to the FJC. As a result, the weights incorporate data from more than 297,000 civil cases and criminal defendants terminated in 2002, representing the variety of case types encountered and case processing procedures used throughout the nation. In addition to providing docketing data, staff from several courts provided technical assistance to the project.

**Q. What were the new weights based on?**

- A. The weights take into account how often the following events occur in cases, as well as the average time it takes district judges to handle them:
- TRIALS AND EVIDENTIARY HEARINGS—jury and non-jury trials, injunctive relief hearings, evidentiary sentencing hearings, and other hearings involving the introduction of evidence;
  - NON-EVIDENTIARY HEARINGS AND CONFERENCES—arraignment hearings, plea hearings, sentencing hearings, motion hearings and general hearings not involving the introduction of evidence, settlement conferences, and other types of conferences (e.g., pretrial, status, scheduling);
  - RESEARCH, READING, AND WRITING ON ORDERS RESPONDING TO PARTICULAR MOTIONS—motions for summary judgment, discovery motions, and suppression motions, motions classified as substantive or dispositive, and other specifically identified non-procedural motions; and
  - PREPARATION FOR PROCEEDINGS—initial and on-going preparation time for trials, sentencing hearings, and other hearings.

In addition to the events above, the weights reflect the presence of certain case characteristics. Civil case weights account for the impact of multiple parties and class action allegation. Criminal case weights account for additional activity in cases in which the death penalty is sought, the extra time spent in proceedings when interpreters are used, and time savings associated with trying defendants together.

The weights factor in only district judge time and only time associated with the events noted above. The weights are based on *averages*—they include time-consuming cases, cases that are disposed of without extensive judicial involvement, and cases involving time demands that fall between the two extremes. The weights do not reflect the actual time required to process any individual case; such time may be much higher or lower.

**Q. How do the weights handle cases with multiple parties?**

- A. Civil and criminal cases are handled differently. Each civil case receives its assigned case weight regardless of the number of parties. Judges who helped design the case-weighting system, however, recognized that cases with many parties add a level of administrative burden that is not reflected in docketed activity. Consequently, an adjustment was included in the civil case weights to account for the extra processing time required for civil cases having 5 or more parties. The impact of the adjustment was most pronounced for case types that frequently have multiple party filings (e.g., Civil RICO).

For criminal case types, each defendant is assigned a separate weight regardless of whether the defendant is being prosecuted alone or with co-defendants. Judges who took part in the study recognized that when co-defendants appear together in the same proceeding, however, the time for the multi-defendant proceeding is usually less than the combined time required if each defendant were processed separately. The criminal case weights, therefore, specifically account for trials and evidentiary hearings in which defendants were processed together. The impact of this adjustment was most pronounced for case types that frequently have multiple defendants processed together (e.g., Continuing Criminal Enterprise).

**Q. What are the new weights?**

- A. Table 1 (attached) lists the new 2004 weights by case type. Remember that case weights reflect the work required by one type of case compared to another. Case types with a weight of 1.00 represent the work required to process the average case. A case type with a weight near 2.00 is estimated to require about twice as much district judge work as the average case, and a case type with a weight of 0.50 requires half as much work.

**Q. How do the new weights compare to the old?**

- A. For comparison purposes, Table 1 also lists the old (1993) weights in the last column. The case types were reorganized for the new case-weighting system, so some underlying civil causes of action or criminal offenses moved to different case type categories. As a consequence, a case type may include underlying cases that did not have identical weights in 1993. Where this is true, the table includes the range of applicable 1993 weights.

The difference between the new and old weight is modest for many case types, but considerable for others. The weights for a number of civil case categories, including Death Penalty Habeas Corpus, Environmental Matters, Patent, Civil Rights (Voting), Antitrust, and FOIA cases, have increased significantly. Weights for many criminal case type categories, on the other hand, are lower than the corresponding old weights. Case types that contribute significantly to the nation's criminal docket and whose diminished weight is most likely to impact the weighted caseload figures for individual courts include Other Immigration, All Fraud, Firearms, and the various drug offenses. The differences between the new and old case weights reflect differences between current and past case law and case management procedures. Some of the changes that have affected the way courts operate since the old weights were calculated include increased impact of the Sentencing Guidelines, the growth of ADR programs, and expanded roles for magistrate judges.

**Q. Why did so many of the criminal weights decrease while the civil weights remained level or increased?**

- A. The case weights are based on a combination of two types of information: (1) the average time it takes judges to handle specific events and (2) the frequency with which those events occur. Overall, the event frequencies in criminal case types are consistent with, or greater than, event frequencies in civil case types. The time estimates that judges assigned to non-trial events, however, were generally lower in criminal case types than in civil. These differences in time estimates account for the decrease in criminal weights and increase in civil weights.

**Q. The weight for Espionage and Terrorism cases seems low. What accounts for this?**

- A. Calculations for the case weights used docketing data from cases terminated in 2002. Although the courts provided data on over 297,000 cases from that year, only 12 were espionage and terrorism cases. The sample is small, and none of these cases went to trial, so the weight captures only a limited range of the case processing activity that would be expected if the sample size were greater and included cases representative of pending and future filings. The Subcommittee on Judicial Statistics plans to ask the Federal Judicial Center to gather data and recompute the weight as soon as sufficient numbers of terminations exist to provide an accurate picture of case

processing activity. In the interim, the subcommittee will give separate consideration to the burden imposed on courts by this type of case filing.

**Q. My court's weighted caseload statistic decreased (or increased) when the new weights were applied. Why?**

- A. Differences between caseload statistics calculated with new and old weights are to be expected. Such differences on the national level and for the majority of courts are modest (see Table 2 attached). For some courts, however, the weighted caseload calculated under the new system is a significant departure from the caseload calculated using the old weights. The magnitude and direction of the departure depends on the types of cases filed in the court. Weighted caseloads per judgeship tended to go down in courts with a large proportion of criminal filings and up in courts with a large number of intellectual property, commercial, or environmental cases.

**Q. What does a decrease (increase) in a court's weighted caseload statistic mean?**

- A. The weighted caseload is an estimate of how much judicial work will be required to fully process all of a court's recently filed cases. A decrease (increase) in the statistic under the new weighting system means the estimated workload is less than (greater than) the workload that would have been predicted using the old weights.

**Q. How do the weights account for the different ways in which courts process cases? Do they recognize, for example, that some courts routinely assign pretrial matters to magistrate judges or that many courts have active ADR programs?**

- A. Case weights represent average *national* case processing practices rather than the practices of any individual court. Because the courts have contributed to the national averages through their docketing data, however, there is some correspondence between the weights and the practices of individual courts (although the correspondence is greatest when the practice of a court falls squarely in the mainstream). If most courts assign pretrial matters to magistrate judges, docketing data will reveal that district judges handle pretrial events infrequently. Since only events processed by district judges were included in the case weight computations, the frequencies for those events will be low, and the contribution of pretrial event time to the case weights will be small. The converse is also true—if magistrate judges across the nation are handling few pretrial matters, the weights will reflect that pretrial events are frequently handled by district judges. The case weights account for the impact of ADR programs in a similar fashion. If ADR programs are disposing of many cases short of trial, the existence of the programs will be reflected in the weights through low trial incidence numbers.

**Q. Work done by magistrate judges was excluded from the case weight computations. Why?**

- A. As in all previous district court case-weighting studies, the new case weights are based solely on work done by district judges. The rationale for this is straightforward—the primary purpose of the weights is to estimate how much work will be required of district judges to process the cases filed in their court. The Subcommittee on Judicial Statistics uses weighted caseload estimates only to assess a court’s need for district judgeships, not the need for magistrate judges (or clerk’s office staff). If the work contribution of magistrate judges were included in the case weights, the weights would misrepresent the work load of district judges. Case filings clearly impose a work burden on magistrate judges and the clerk’s office, but those burdens are assessed separately.

**Q. Assume that some courts are unable to give cases the full time and attention they deserve because of high caseload demands. Would this situation affect the weights?**

- A. Yes. The weights reflect the current state of case processing practice—as represented by the docketing data and estimates of judicial time used in the study. They cannot represent what the practice *would* be if filing patterns or court resources were different.

**Q. Do the weights penalize courts whose caseload demands have prompted them to develop efficient processing methods?**

- A. No. Courts with processing efficiencies actually benefit from having a national weight applied to their caseload. The same weight, if based exclusively on their own court’s docketing data and actual processing time, would likely be lower.

**Q. How much influence do weighted caseload statistics have on the Subcommittee’s recommendations for district court judgeships?**

- A. An examination of weighted caseload statistics is critical to the analysis the Subcommittee on Judicial Statistics conducts before making recommendations to the judiciary about the judgeship needs of a court. The subcommittee does not consider the statistics in isolation, however. Instead it examines them within a more nuanced framework that takes account of factors such as unusual caseload complexity; temporary or prolonged caseload increases (or decreases); issues associated with the court’s geography; the court’s use of its senior judges (and their level of activity), magistrate judges, and visiting judges; and other factors that the court reports have had an impact on resource needs.

**Q. When will the new case weights take effect?**

- A. The new weights were approved by the Subcommittee on Judicial Statistics and the Judicial Resources Committee at their meeting in June 2004. They took effect immediately and were used as the basis for formulating preliminary judgeship recommendations for the 2005 Biennial Judgeship Survey. Additional information on how the new case weights were used in the preliminary recommendations will be provided by the Subcommittee on Judicial Statistics in August 2004 to the courts that have requested judgeships.

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## COMPARISON OF DISTRICT COURT CASE WEIGHT VALUES: 2003-2004 EVENT-BASED STUDY AND 1987-1993 TIME STUDY<sup>1</sup>

CASE WEIGHTS FOR CIVIL CASE TYPES			
General Category	Case Type	2004 Study Weight	1993 Study Weight or Range
<b>Admiralty</b>	Admiralty	0.88	0.45 – 1.74
<b>Banking and Finance</b>	Banking and Finance	1.17	0.58 – 2.01
<b>Bankruptcy</b>	Bankruptcy Appeals	0.57	0.86
	Bankruptcy Withdrawals	0.74	0.86
<b>Civil Rights</b>	Civil Rights: Employment	1.67	0.59 – 1.66
	Civil Rights: Other	1.92	0.59 – 1.66
	Civil Rights: Voting	3.86	0.59 – 1.66
<b>Commercial Litigation</b>	Antitrust	3.45	1.27
	Civil RICO	4.78	2.96
	Interstate Commerce	0.84	0.21
	Other Fraud	1.70	2.01
	SEC, CFTC, and Similar Enforcement Actions (US Plaintiff)	2.08	1.02 – 1.88
	SEC, Commodities, and Stockholder's Suits (Non-US Plaintiff)	1.93	1.02 – 1.88
<b>Contracts</b>	Insurance Contracts	1.41	1.25
	Other Contract Actions	1.22	0.35 – 1.02
	Overpayment and Recovery	0.10	0.03 – 0.17

<sup>1</sup> The case types were reorganized for the 2004 study, so some underlying civil causes of action or criminal offenses moved to different case type categories. As a consequence, a case type may include underlying cases that did not have identical weights in 1993. Where this is true, the table includes the range of applicable 1993 weights.

<b>CASE WEIGHTS FOR CIVIL CASE TYPES</b>			
<b>General Category</b>	<b>Case Type</b>	<b>2004 Study Weight</b>	<b>1993 Study Weight or Range</b>
<b>Forfeiture and Penalty</b>	Forfeiture and Penalty	0.42	0.27 – 1.27
<b>Intellectual Property</b>	Copyright and Trademark	2.12	1.07
	Patent	4.72	1.90
<b>Labor</b>	All Other Labor	1.02	0.48 – 2.12
	ERISA	0.84	0.67
<b>Other Actions</b>	All Other Actions (Including Local Jurisdiction)	0.99	0.17 – 1.27
	Environmental Matters	4.79	1.27
	Federal Tax Suits	1.29	0.22 – 0.37
	Freedom of Information Act	3.06	1.27
<b>Prisoner Litigation</b>	§2254 Habeas Corpus Petitions	0.54	0.51
	§2255 Petitions to Vacate Sentence	0.32	0.51
	Death Penalty Habeas Corpus	12.89	5.99
	Deportation / Immigration	0.44	1.27
	Mandamus	0.49	0.51
	Prisoner Civil Rights / Prison Conditions (Federal)	0.75	0.48
	Prisoner Civil Rights / Prison Conditions (State)	0.67	0.28
<b>Real and Personal Property</b>	Foreclosure	0.32	0.16
	Land Condemnation	0.76	0.16
	Other Property Actions (Real or Personal)	1.17	1.26 – 1.47
<b>Social Security</b>	Social Security	0.63	0.48 – 1.27
<b>Torts</b>	Asbestos	0.12	0.19
	Assault, Libel, and Slander	1.47	1.33
	Federal Employer's Liability	0.76	1.16
	Medical Malpractice	1.40	1.34
	Personal Injury (Excluding Admiralty)	0.90	0.84
	Product Liability (Excluding Admiralty)	0.61	1.02 – 1.74

<b>CASE WEIGHTS FOR CRIMINAL CASE TYPES</b>			
<b>General Category</b>	<b>Case Types</b>	<b>2004 Study Weight</b>	<b>1993 Study Weight or Range</b>
<b>Drug Offenses</b>	Continuing Criminal Enterprise	4.36	1.43
	Import / Export	0.61	1.80 – 2.11
	Manufacture	1.12	1.80 – 2.11
	Possession	0.86	1.43
	Sell or Distribute	1.07	1.80 – 2.11
<b>Espionage and Terrorism</b>	Espionage and Terrorism	1.08	1.43
<b>Extortion, Threats, and RICO</b>	All Extortion, Threats, and RICO	1.89	2.92
<b>Financial Crimes</b>	All Fraud	0.97	0.45 – 5.31
	Embezzlement, Forgery and Counterfeiting	0.75	0.86 – 1.43
<b>Firearms</b>	Firearms	1.00	1.69
<b>Homicide, Assault, Kidnapping</b>	Aggravated or Felonious Assault, Kidnapping	1.34	1.43 – 2.60
	Murder, Manslaughter, Homicide	1.99	2.49
<b>Immigration Offenses</b>	Alien Smuggling	0.57	0.77
	Other Immigration	0.47	0.77 – 1.52
<b>Misdemeanor and Petty Offenses</b>	All Misdemeanor and Petty Offenses	0.18	NA
<b>Other Felony Offenses</b>	All Other Felonies	1.00	0.77 – 1.69
<b>Robbery, Burglary, Larceny and Theft</b>	Larceny and Theft	0.87	0.93 – 1.43
	Robbery and Burglary	0.71	1.25 – 1.43
<b>Sexual Offenses</b>	Sexual Offenses and Pornography	1.10	1.43 – 2.60
<b>Supervised Release and Probation Revocation Hearings</b>	Supervised Release and Probation – Evidentiary Revocation Hearing	0.22	0.25 SupRel only
	Supervised Release and Probation – Non-Evidentiary Revocation Hearing	0.14	0.25 SupRel only

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**Federal Judicial Center  
2003 – 2004 District Court Case Weighting Study**

**Comparison of the Rank Ordering of Courts  
by Weighted Caseload per Judgeship  
for Calendar 2003 Filings**

**Using the 2004 Weights and the 1993 Weights**

<b>Rank Using 2004 Weights</b>	<b>District Court</b>	<b>Weighted Caseload Per Judgeship</b>	<b>Rank Using 1993 Weights</b>	<b>District Court</b>	<b>Weighted Caseload Per Judgeship</b>
1	MS,S	877	1	TX,W	887
2	CA,E	807	2	MS,S	832
3	WV,S	715	3	WV,S	827
4	IN,S	695	4	MN	789
5	MS,N	693	5	CA,E	788
6	MN	667	6	TX,S	785
7	GA,N	639	7	MS,N	761
8	TX,S	636	8	NM	733
9	TX,W	631	9	AZ	713
10	CA,N	630	10	IA,N	696
11	FL,M	622	11	IN,S	663
12	WA,W	621	12	NY,E	658
13	CA,C	620	13	TX,E	657
14	NY,E	607	14	FL,M	654
15	TX,N	606	15	FL,S	646
16	AZ	600	16	GA,N	644
17	OR	581	17	WA,W	641
18	CO	578	18	TN,E	641
19	NY,W	573	19	TX,N	629
20	TN,M	571	20	NE	626
21	TN,E	565	21	VA,W	625
22	NM	564	22	CA,S	619
23	AL,N	564	23	NY,W	597
24	NC,E	560	24	AL,N	597
25	TX,E	560	25	VA,E	593
26	FL,S	559	26	NC,E	592
27	VA,E	555	27	OR	586
28	WI,W	547	28	MO,W	579
29	NV	541	29	CO	575
30	VA,W	530	30	UT	574

**Comparison of the Rank Ordering of Courts  
by Weighted Caseload per Judgeship**

<b>Rank Using 2004 Weights</b>	<b>District Court</b>	<b>Weighted Caseload Per Judgeship</b>	<b>Rank Using 1993 Weights</b>	<b>District Court</b>	<b>Weighted Caseload Per Judgeship</b>
31	NY,S	528	31	TN,M	563
32	IA,N	526	32	CA,N	547
33	MO,W	526	33	CA,C	540
34	OK,E	525	34	NV	535
35	AL,M	525	35	OK,E	535
36	UT	524	36	AL,M	534
37	IL,N	522	37	MI,W	528
38	MI,W	514	38	IA,S	522
39	SC	511	39	MT	519
40	IN,N	507	40	NY,S	518
41	AR,E	506	41	ID	518
42	FL,N	498	42	KS	517
43	NJ	492	43	SC	515
44	OH,S	489	44	AR,E	505
45	IA,S	487	45	FL,N	498
46	MD	485	46	TN,W	498
47	NE	484	47	WI,W	497
48	CA,S	484	48	IL,N	492
49	ID	478	49	IN,N	489
50	PA,M	476	50	PA,M	489
51	KS	470	51	AL,S	487
52	KY,E	463	52	KY,E	475
53	TN,W	449	53	MO,E	475
54	DE	447	54	OH,S	474
55	AL,S	444	55	MD	473
56	MO,E	440	56	HI	454
57	GA,S	440	57	OH,N	450
58	MT	438	58	NC,W	449
59	GA,M	434	59	NJ	448
60	NC,M	431	60	NC,M	448
61	OH,N	428	61	IL,S	445
62	MI,E	427	62	PA,E	444
63	WI,E	421	63	SD	442
64	NY,N	417	64	GA,S	441
65	AR,W	417	65	NY,N	435
66	LA,M	416	66	MI,E	423
67	KY,W	416	67	WI,E	423
68	PA,E	396	68	GA,M	422
69	CT	395	69	LA,M	421

**Comparison of the Rank Ordering of Courts  
by Weighted Caseload per Judgeship**

<b>Rank Using 2004 Weights</b>	<b>District Court</b>	<b>Weighted Caseload Per Judgeship</b>	<b>Rank Using 1993 Weights</b>	<b>District Court</b>	<b>Weighted Caseload Per Judgeship</b>
70	IL,S	392	70	VT	415
71	OK,W	390	71	AR,W	414
72	LA,W	388	72	LA,W	410
73	HI	387	73	WV,N	406
74	NC,W	374	74	IL,C	404
75	IL,C	374	75	KY,W	394
76	WV,N	358	76	WA,E	384
77	MA	354	77	PR	383
78	SD	342	78	CT	372
79	OK,N	342	79	OK,W	368
80	PA,W	336	80	OK,N	357
81	WA,E	335	81	LA,E	344
82	VT	329	82	MA	342
83	PR	323	83	DE	332
84	LA,E	316	84	PA,W	326
85	NH	299	85	ND	324
86	RI	287	86	NH	317
87	DC	280	87	ME	301
88	ND	273	88	RI	285
89	ME	267	89	DC	275
90	AK	220	90	WY	257
91	WY	209	91	AK	253
All Courts		505	All Courts		532

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*Vol. 36, Number 8—August 2004*

## Case Weights Get Update

The yardstick by which judicial work in the district courts is measured has been updated, and although there are no radical changes, some district courts will see shifts in their weighted caseload per judgeship that could affect recommendations for new judgeships.

Since 1993, the Judiciary has used a set of case weights developed in the early 1990's to estimate the workload of the district courts. These case weights have been revised.

Case weights are a relative measure of the judicial work required by cases of different types. For example, a patent or death penalty case may consume a lot of judge time and have a large weight; by contrast, a student loan case might have a small weight. A case type with a weight near 2.00 is estimated to require twice as much district judge work as the average case.

While the new case weights do not differ substantially from the old weights for most cases, some differences are notable and, depending on a court's case mix, can affect the weighted caseloads per judgeship for some courts. For example, case weights for complex civil litigation such as patent, civil rights, antitrust, and environmental cases are significantly higher. So courts whose dockets are composed primarily of civil cases may see higher weighted caseloads per judgeship. The weights for many types of criminal cases are substantially lower, largely because of the impact of the sentencing guidelines, and the expanding role of magistrate judges in handling preliminary criminal matters. As a result, courts with a higher proportion of criminal filings will see lower weighted caseloads per judgeship.

The new weighted filings per judgeship, based on the new case weights, have already been used as the basis for formulating preliminary district judgeship recommendations for the 2005 Biennial Judgeship Survey. Every two years, the Judicial Conference, through its Judicial Resources Committee, surveys the appellate and district courts to evaluate judgeship needs. This systematic review process involves not only the Conference, but each court and each circuit judicial council and takes into account detailed caseload data and other relevant factors.

"The Committee wanted to ensure that its preliminary judgeship recommendations were based on the most up-to-date representation of the case processing requirements of each case type," explained Judge Dennis G. Jacobs (2nd Cir.), chair of the Judicial Conference Committee on Judicial Resources.

The update of the case weights began last year, when the Committee and its Subcommittee on Judicial Statistics asked the Federal Judicial Center to conduct a study to revise the weights.

"Because of changes in case law and case management procedures, we were concerned that the old weights no longer accurately reflected the case processing demands of many types of cases," said Subcommittee Chair Judge Wiley Y. Daniel (D. Colo.). "We wanted to update the weights so they more accurately reflect the current judicial workload imposed by cases."

In a departure from the old measurement system that relied on judges keeping detailed time records, the FJC developed the new case weights using an event-based method. This approach combines docketing information from the district courts, objective information from statistical reports, and consensus time estimates from district judges where objective information was unavailable. More than 100 district judges, representing nearly every district court in the nation, participated in the project. Docketing data from more than 297,000 civil cases and criminal defendants also was incorporated.

The event-based method has several advantages: the FJC was able to complete its study in less time than the previous study of case weights, future updating will be easier, and, as new types of civil and criminal filings develop, the method allows greater flexibility in developing case weights for them.

The new case weights, which take effect immediately, take into account how often several events occur in cases, as well as the average time it takes a district judge to handle them. These events include trials and evidentiary hearings; non-evidentiary hearings and conferences; research, reading, and writing on orders responding to particular motions; and preparation for proceedings. In addition, civil case weights account for the impact of multiple parties and class action allegation. New criminal case weights account for the additional time and activity in death penalty cases and proceedings in which interpreters are used, and the time savings when defendants are tried together. Case weights represent average national case processing practices rather than the practices of any individual court.

#### Sample Changes in Case Weights

Case Type	1993	2004
Antitrust	1.27	3.45
Civil Rights		
Voting	0.59-1.66	3.86
Employment	0.59-1.66	1.67

Deportation	1.27	0.44
Drug Offenses		
Possession	1.43	0.86
Continuing Criminal Enterprise	1.43	4.36
Firearms	1.69	1.00

[Home/Contents](#)

Published monthly by the Administrative Office of the U.S. Courts Office of Public Affairs  
One Columbus Circle, N.E. Washington, DC 20544 — (202) 502-2600